


FILED

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

20 MAR -9 AM 10:35

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY  DEPUTY CLERK

COMMISSION FOR LAWYER DISCIPLINE, §
Plaintiff, §

v. §

BRANDI K STOKES, §
Defendant. §

CASE # 1:20-CV-0153-RP

APPLICATION FOR TEMPORARY RESTRAINING ORDER AND INJUNCTION

NOW COMES Defendant, Brandi K Stokes, and brings this Application for Temporary Restraining Order and Permanent Injunction, and shows the Court the following:

On March 5, 2020, the above-styled case was transferred to Chief U.S. District Judge Orlando Garcia. Almost immediately, the court coordinator for state District Judge Kyle Hawthorne, Kristie B. Evans, sent a scheduling notice and request to the parties indicating that Judge Hawthorne intended to schedule a hearing in the case and wanted the Defendant to be noticed for a deposition on the day of the hearing. As of the filing of this application, neither Judge Hawthorne nor his court coordinator have withdrawn the scheduling notice and request to the parties, despite being provided with notice of the transfer. The action of the state trial court violates the federal stay provision currently imposed by 28 U.S.C. § 1446(d). The Defendant therefore respectfully requests that a temporary restraining order issue and that Judge Kyle Hawthorne be enjoined from participating in any matter involving the Defendant other than as a witness and from causing another person to communicate with the Defendant regarding any matter involving the Defendant other than in his capacity as a witness.

Defendant prays that the requested relief be granted.

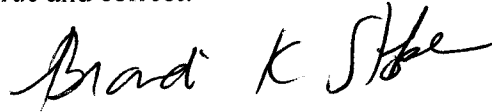
DATED: March 9, 2020



Brandi K Stokes, Defendant
Texas State Bar No. 24044940
brandi.stokes@gmail.com | +1 512 206 0202

VERIFICATION

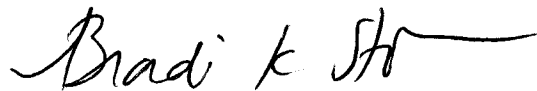
“Pursuant to 28 U.S. Code § 1746, I verify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.”



Brandi K Stokes

CERTIFICATE OF SERVICE

I certify that on March 9, 2020, a true and correct copy of the above was served on counsel for the Plaintiff through CMRRR at the address listed for Plaintiff. I further certify that on March 9, 2020, a Notice of Law Suit and Request to Waive Service of a Summons was delivered to Judge Kyle Hawthorne both through email and by CMRRR.



Brandi K Stokes

3/8/2020

Gmail - D-1-GN-18-000502 Scheduling



Brandi Stokes <brandi.stokes@gmail.com>

D-1-GN-18-000502 Scheduling

Brandi K Stokes <brandi.stokes@gmail.com>

Fri, Mar 6, 2020 at 9:48 AM

To: Judith DeBerry <Judith.DeBerry@texasbar.com>

Cc: "Kristie B. Evans" <KEvans@brazoscountytexas.gov>, Tanya Galinger <Tanya.Galinger@texasbar.com>, Lorraine Elzia <Lorraine.Elzia@traviscountytexas.gov>, Warren Vavra <Warren.Vavra@traviscountytexas.gov>

Ms. Evans,

Please let the judge know that the federal case has been transferred to Judge Orlando Garcia. I will be filing for a restraining order in that case. I am also looking into the remedies for Judges Stubblefield and Blomerth's decision to proceed on this case notwithstanding the federal stay provision.

If I can show up, I will, but I will not participate in any further proceedings in state court. This has gone too far, and in the interim, my health has been destroyed. Until I have appropriate health care, I am not able to participate in any high stress situations.

Brandi Stokes

Brandi Stokes

On Fri, Mar 6, 2020 at 9:27 AM Judith DeBerry <Judith.DeBerry@texasbar.com> wrote:

Ms. Evans,

I'm available on all of those dates. Please let me know the judge's preferred date and time for the scheduling hearing and I'll set the deposition for immediately after the hearing and send notices.

Respectfully,

Judith

From: Kristie B. Evans <KEvans@brazoscountytexas.gov>**Sent:** Thursday, March 5, 2020 12:10 PM**To:** Judith DeBerry <Judith.DeBerry@TEXASBAR.COM>; brandi.stokes@gmail.com**Cc:** Tanya Galinger <Tanya.Galinger@TEXASBAR.COM>; Lorraine Elzia <Lorraine.Elzia@traviscountytexas.gov>; Warren Vavra <Warren.Vavra@traviscountytexas.gov>**Subject:** D-1-GN-18-000502 Scheduling

*** State Bar of Texas External Message * - Use Caution Before Responding or Opening Links/Attachments**

Judge Hawthorne would like to set a scheduling hearing in the above referenced case. He also wants the deposition of Ms. Stokes to be noticed for the same date and location as the scheduling hearing, since he will be in Travis County already and can be available in case of any objections or problems that may arise during the deposition. Dates that Judge Hawthorne and a multipurpose courtroom is available are: April 3, May 1, and May 29, 2020. Please let me know if you have a conflict with any of these dates by noon on March 9, 2020.

3/8/2020

Gmail - D-1-GN-18-000502 Scheduling

Thank you!

Kristie Evans

Court Coordinator

85th District Court

300 East 26th Street, Suite 408

Bryan, Texas 77803

(979) 361-4271

Fax: (979) 361-4276

kevans@brazoscountytexas.gov

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Thank you,

Brandi Stokes

P.O. Box 301916

Austin, Texas 78703

Tel: 512/206-0202

brandikstokes.org

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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

**COMMISSION FOR LAWYER DISCIPLINE, §
Plaintiff, §**

v. §

**BRANDI K STOKES, §
Defendant. §**

CASE # 1:20-CV-0153-RP

**ORDER GRANTING APPLICATION FOR TEMPORARY RESTRAINING ORDER
AND INJUNCTION**

The Court finds that good cause exists to grant the Defendant's Application for Temporary Restraining Order and Injunction.

Following the filing of a notice of removal, the state court "shall proceed no further unless and until the case is remanded." 28 U.S.C. § 1446(d). The Court finds that the clear language of the general removal statute provides that the state court loses jurisdiction upon the filing of the petition for removal. The Court further finds state District Judge Kyle Hawthorne, by and through his court coordinator, has expressed an intent to disregard 28 U.S.C. § 1446(d) and that such disregard is improper. The Court therefore GRANTS the Defendant's application for a temporary restraining order and ENJOINS Judge Kyle Hawthorne from participating in any matter involving the Defendant other than as a witness and from causing another person to communicate with the Defendant regarding any matter involving the Defendant other than in his capacity as a witness.

DATED: _____

Judge Presiding